

IN RE: PETITION FOR SPECIAL HEARING
N/S Chester Road, 590' W of
Severn Road
(800 Chester Road)
15th Election District
5th Councilmanic District
Joseph Evering, Jr.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an extension of time in which to utilize the special exception previously granted in Case No. 85-65-XSPHA from two years to five years, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Robert J. Romacka, Esquire and John B. Gontum, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 800 Chester Road, consists of 3.30 acres zoned D.R. 5.5 and is improved with a marina and boat yard facilities. Said property is located within the Chesapeake Bay Critical Areas on Frog Mortar Creek. A portion of the subject property was granted a special exception to operate the subject marina in Case No. 3535-X on June 6, 1955. In 1960, Petitioner purchased an adjoining lot on the north side of Chester Road and was subsequently granted a special exception to extend the boat yard facilities in Case No. 64-160-X on January 16, 1967. Thereafter, on April 25, 1985 in Case No. 85-65-XSPHA, Petitioner was granted a modification of the previously approved special exception to modify the pier configuration. The addition to the piers as originally approved had become impractical without dredging at a cost that was not financially feasible. After much litigation,

the Petitioner and the Protestants reached a compromise on the slip configuration set forth in Case No. 85-65-XSPHA and approved by the County Board of Appeals in Case No. 87-CG-4755 on June 15, 1988.

Thereafter, Petitioner argued he diligently pursued filing the necessary application and permits required by the Army Corps of Engineers. It was not until December 21, 1989 that the required permits were obtained (See Petitioner's Exhibit 2). Petitioner subsequently filed the instant Petition and after submitting the additional documentation requested by the various Departments, including, but not limited to, the Department of Environmental Protection and Resource Management (DEPREM), a permit was issued on April 17, 1990 (See Petitioner's Exhibit 3). Testimony indicated Petitioner then contracted with a James Rehab for the immediate installation of pilings. Mr. Everling testified that prior to June 15, 1990, Mr. Rehab had placed over 100 pilings on the subject property and had completed a portion of the decking for the extended piers. Counsel for Petitioner indicated that as a precautionary measure to insure that the special exception granted was still valid, Petitioner filed the instant Petition to request an extension for utilization of same, pursuant to Section 502.3 of the B.C.Z.R. and/or a determination that the work done prior to June 15, 1990 constitutes a utilization of the special exception. Further, Petitioner noted that the Board of Appeals in its Order found that the marina extension satisfies the criteria set forth in the Critical Areas legislation promulgated by the State of Maryland and that the request herein in no way modifies the approved plan.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It

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has been established that the utilization of the special exception previously granted had commenced prior to its expiration as required by Section 502.3 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, an Order shall be issued finding the special exception has been utilized.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of October, 1990 that the special exception granted in Case No. 85-65-XSPHA on June 15, 1988 had been utilized prior to June 14, 1990; and,

IT IS FURTHER ORDERED that all development shall be in compliance with the restrictions imposed in the Amended Opinion and Order issued by the County Board of Appeals of Baltimore County in Case Nos. 85-65-XSPHA and 87-CG-4755 on June 15, 1988.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 24, 1990



Dennis F. Harnissen
County Executive

John B. Gontum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
N/S Chester Road, 590' W of Severn Road
(800 Chester Road)
15th Election District - 5th Councilmanic District
Joseph F. Evering, Jr. - Petitioner
Case No. 91-49-SPH

Dear Mr. Gontum:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve special hearing to extend time for special exception from two (2) years to five (5) years, in zoning case 85-65-XSPHA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

Joseph F. Evering, Jr.
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

John B. Gontum
(Type or Print Name)

Signature

809 Eastern Boulevard
Address

Baltimore, Maryland 21221
City and State

Attorney's Telephone No.: 686-8274

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3 day of Nov, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 3 day of Oct, 1990, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

August 2, 1984

Long Beach Marina
No. 800 Chester Road
15th District Baltimore County, Maryland

Beginning for the same on the north side of Chester Road at the distance of 590 feet more or less measured along the north side of Chester Road from the west side of Severn Road, thence running and binding on the north side of Chester Road South 77 degrees 25 minutes, 115 feet more or less, thence crossing the end of Chester Road and continuing the same direction in all South 12 degrees 35 minutes West 252 feet more or less to the waters of Frog Mortar Creek, thence binding on the waters of Frog Mortar Creek as follows: North 71 degrees 00 minutes West 50 feet more or less, South 86 degrees 00 minutes West 260 feet more or less, North 16 degrees 00 minutes East 570 feet more or less and North 77 degrees 25 minutes East 320 feet more or less, thence running for a line of division South 27 degrees 33 minutes East 245 feet more or less to the place of beginning.

Containing 3.30 acres of land more or less.

Special Exception includes all of the above described area not included in Case #3535, 64-57-SH and 64-160-X.

Variances and Special Exceptions includes entire site.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 15th Date of Posting: 9/15/90
Posted for: Special Hearing
Petitioner: Joseph F. Evering, Jr.
Location of property: N/S of Chester Rd. E. of 800 Chester Rd.
15th Election District
Location of Signs: Towson, Md. 9th Chester Rd. near 11th E. side
Remarks: on property of Petitioner
Posted by: W. H. Harnissen Date of return: 9/17/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R 001-6150
Number

receipt

No 2709

Date

9/11/90

9/11/90

111 WEST CHESAPEAKE AVENUE, TOWSON, MD. 21204

111 WEST CHESAPEAKE AVENUE, TOWSON, MD. 21204

111 WEST CHESAPEAKE AVENUE, TOWSON, MD. 21204

B B 023 ***** 175001a 0111F
Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

September 6, 1990

THIS IS TO CERTIFY, that the annexed advertisement of

Joseph F. Evering, Jr. in the matter of
Petition for Special Hearing, Case # 91-49-SPH
Reg. # M46030, P.O. # 0107067. 91 lines
@.55 or \$50.05

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for 1

successive week(s) before the 7 day of September 1990;

that is to say, the same was inserted in the issues of Sept 6 1990.

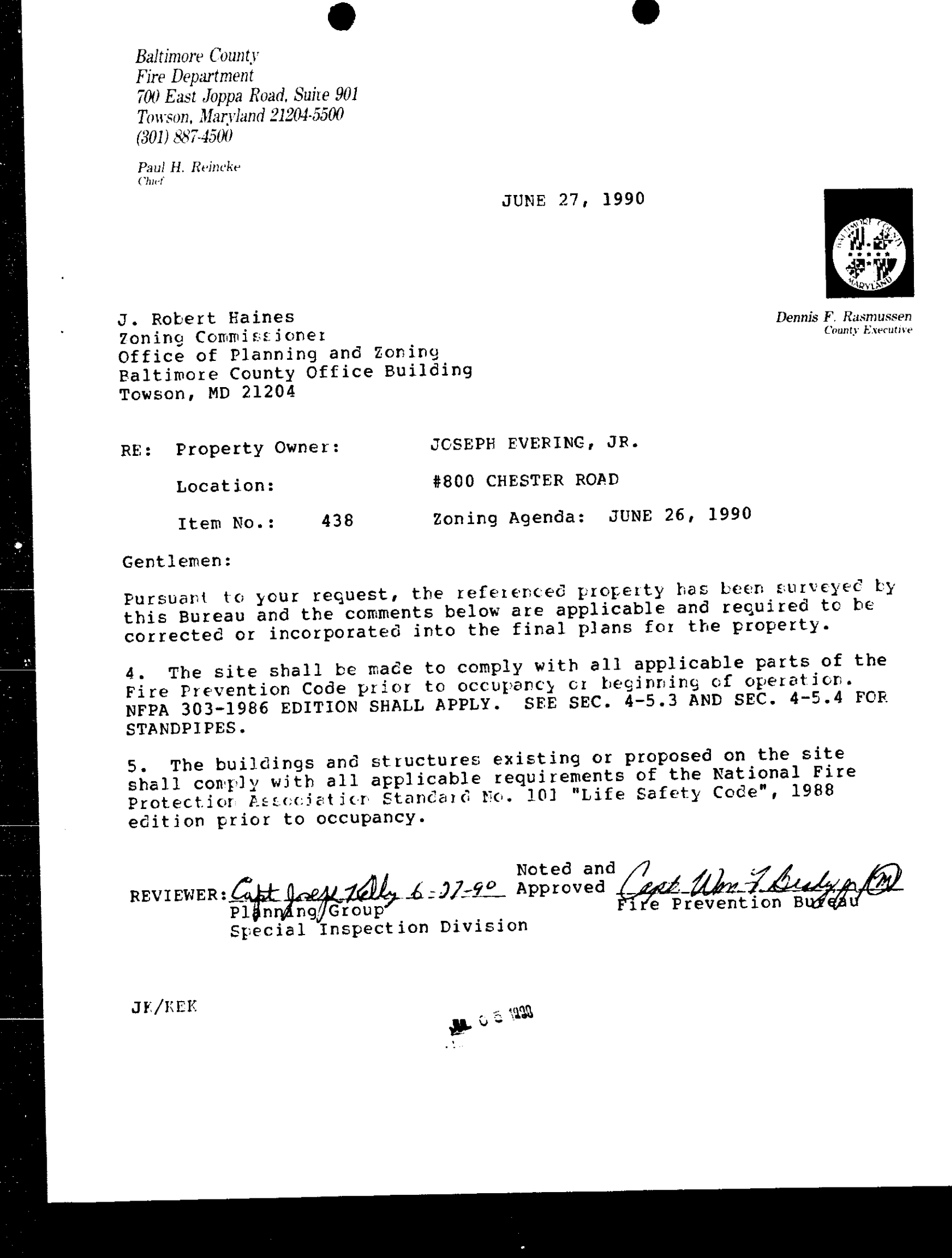
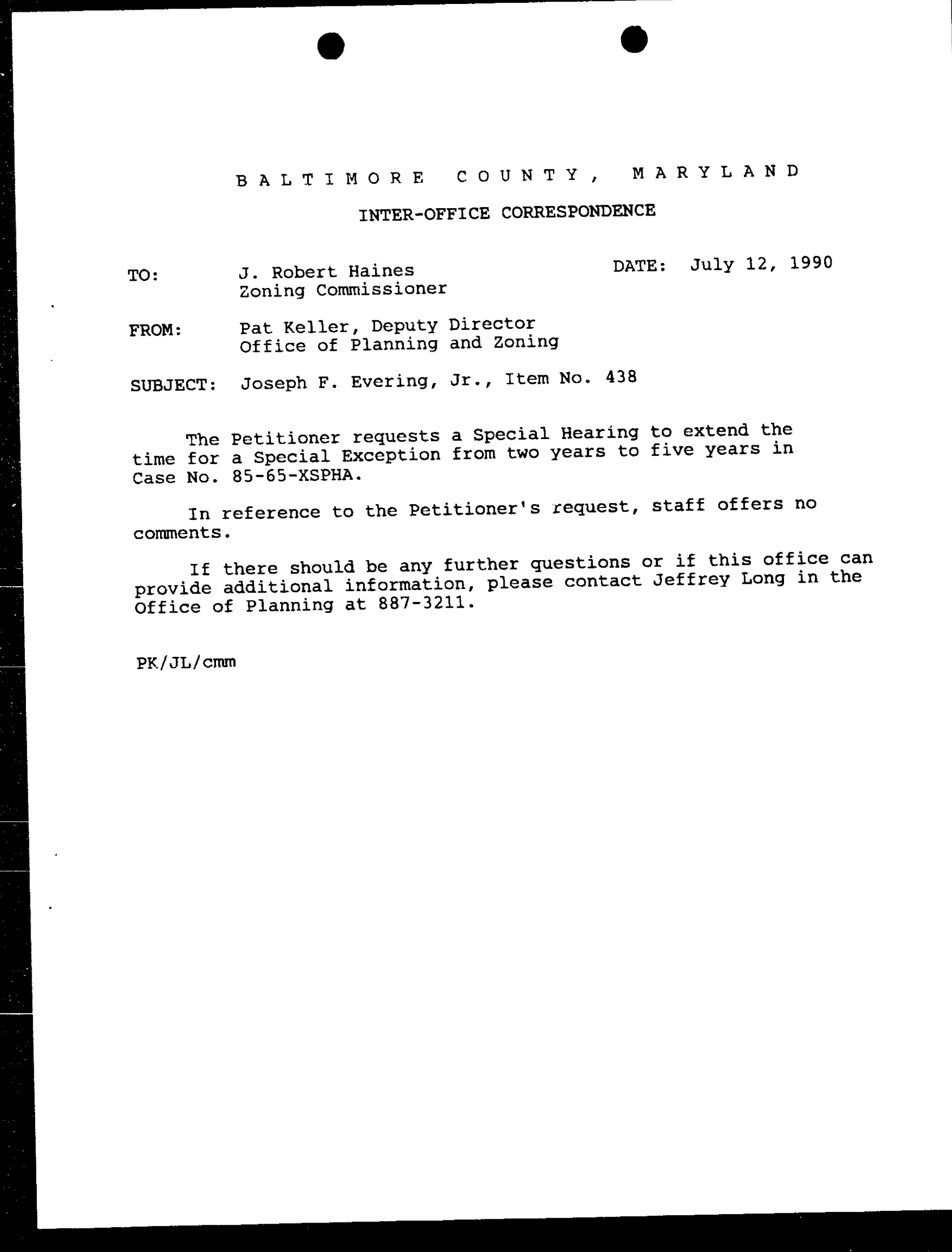
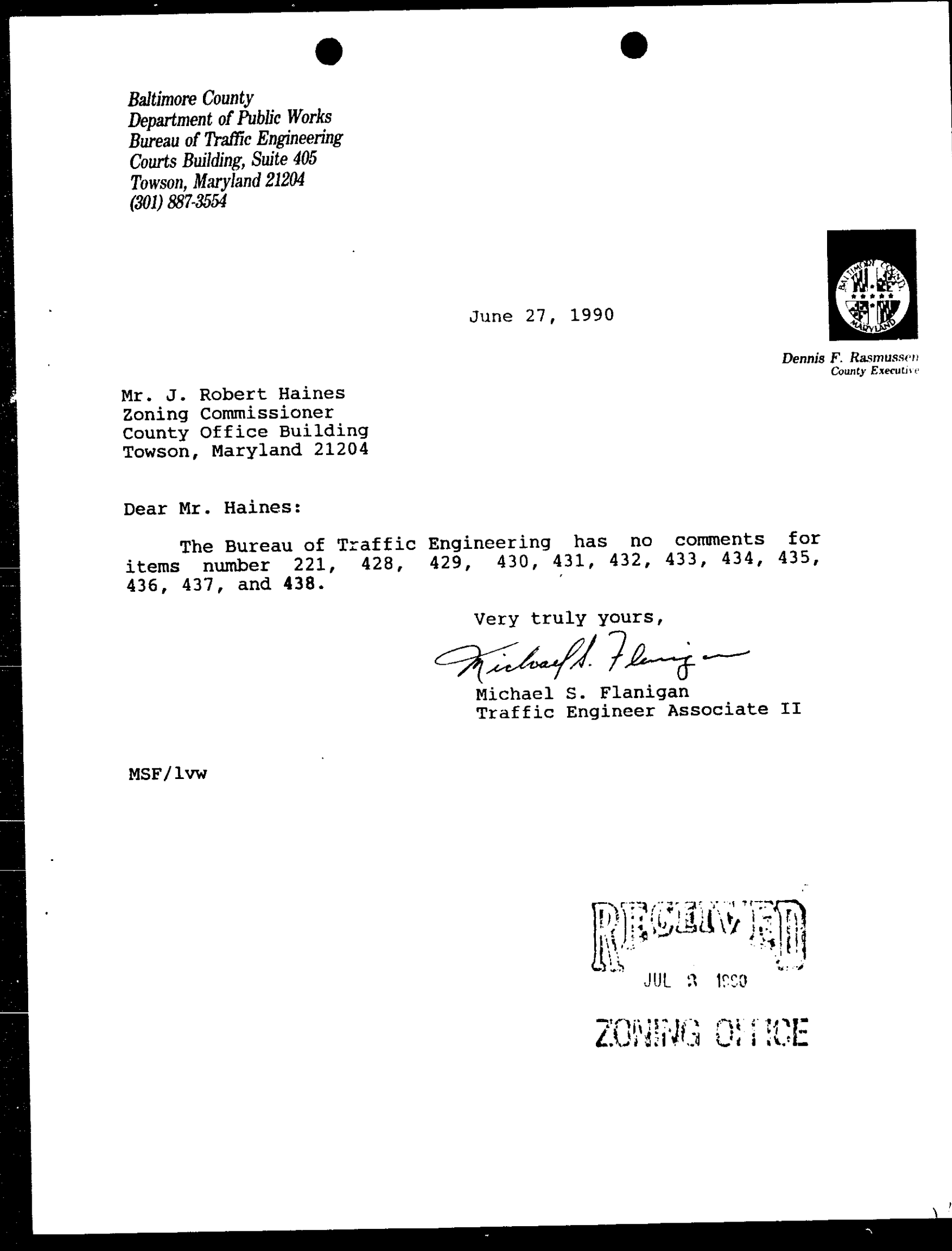
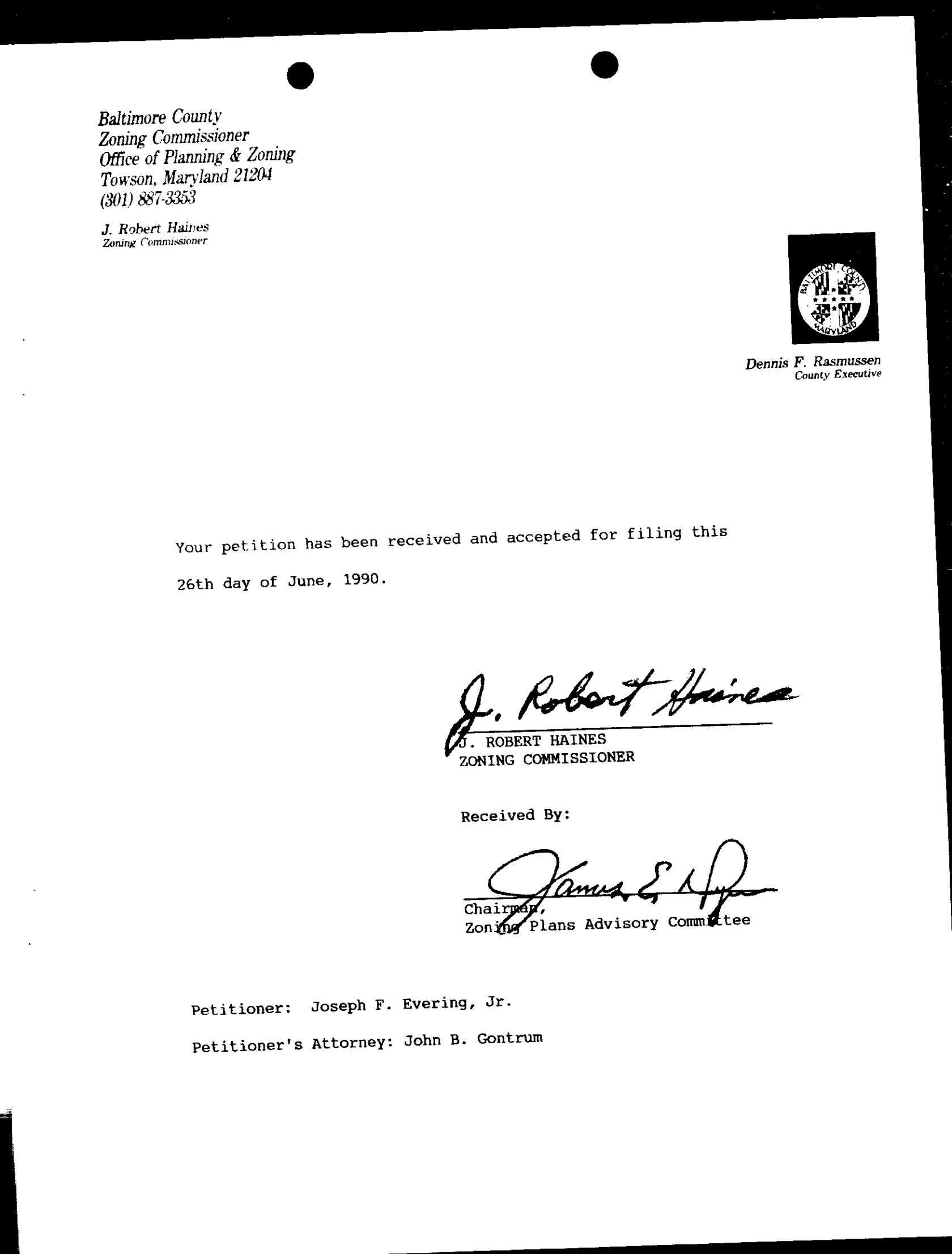
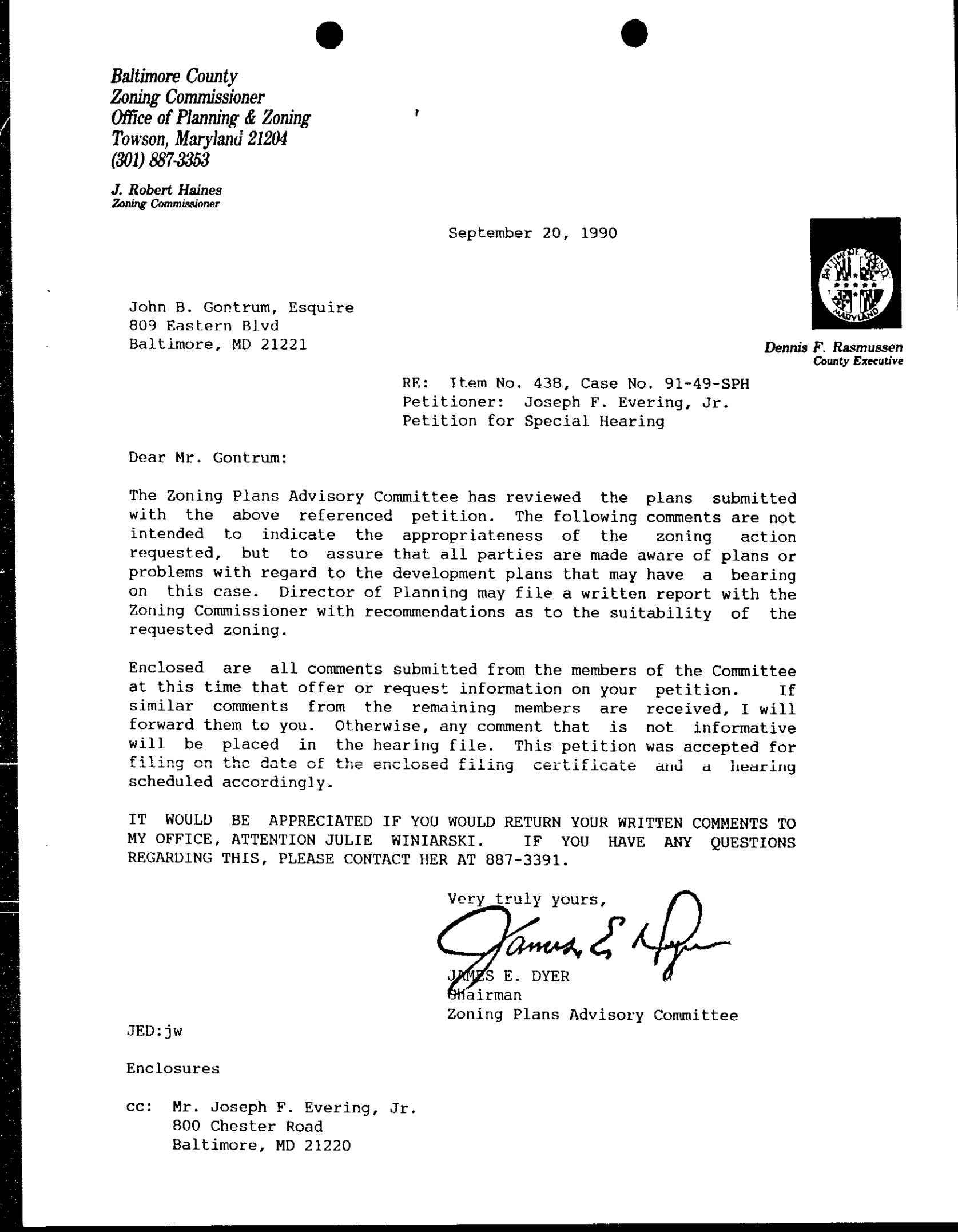
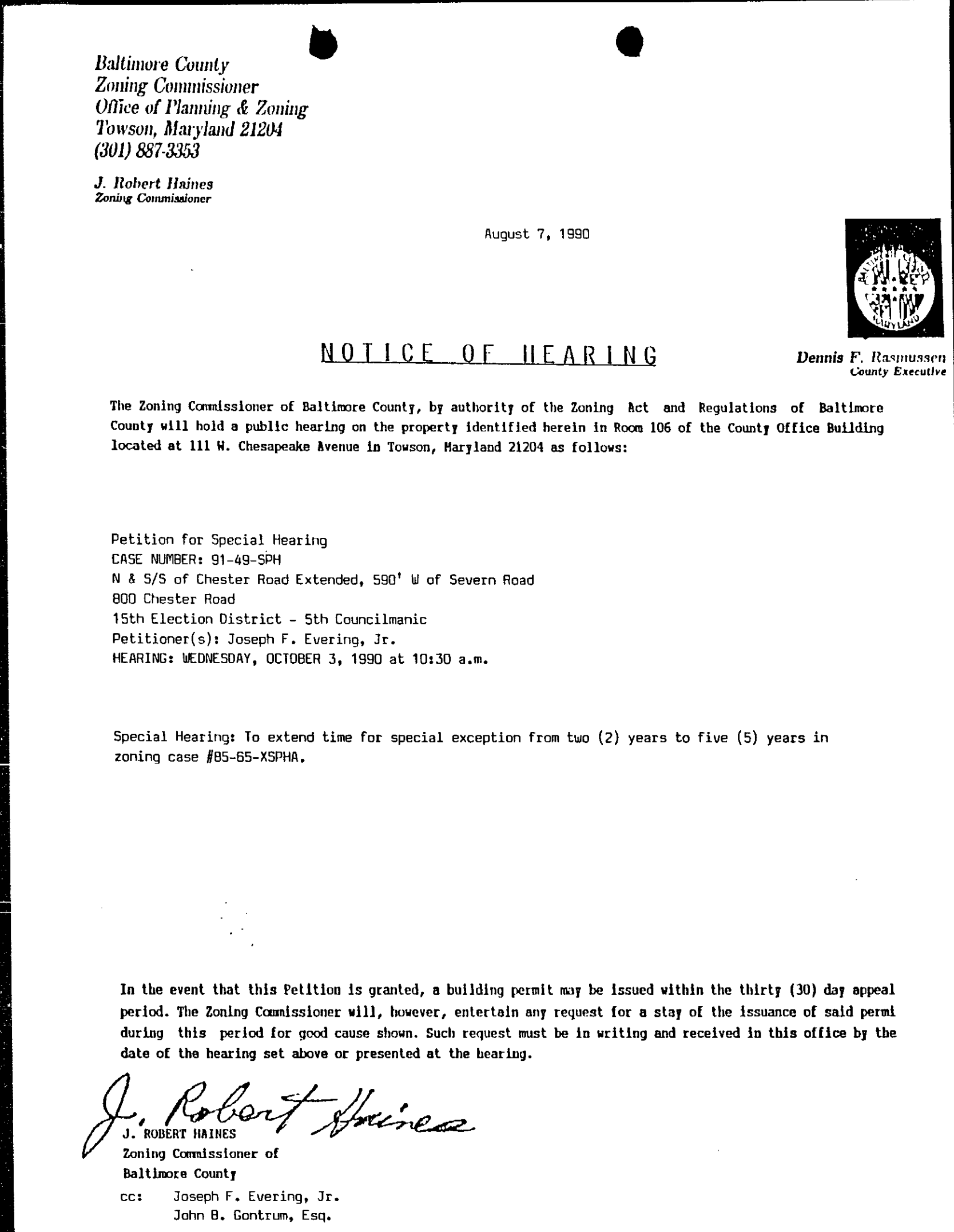
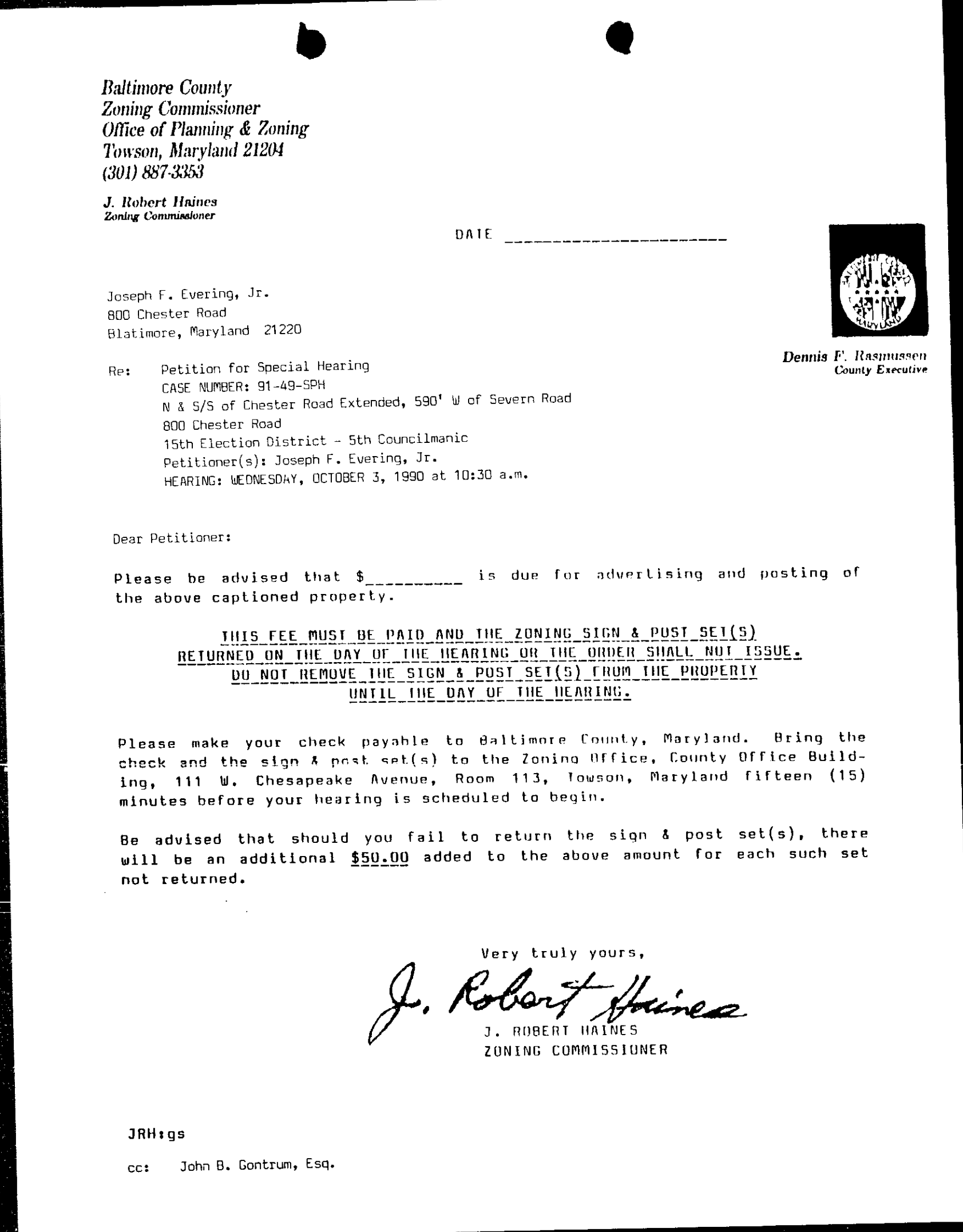
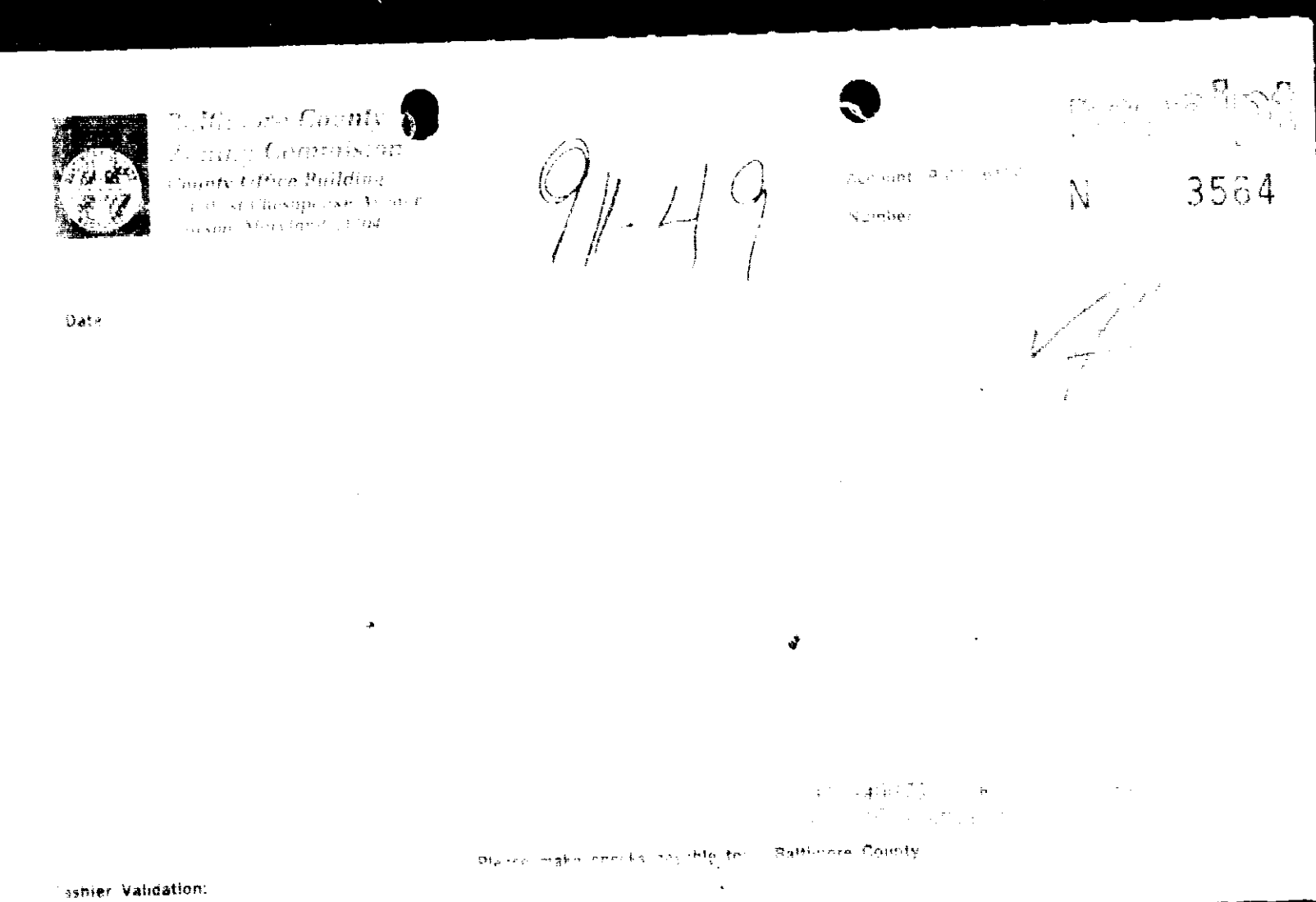
The Avenue Inc.

per publisher

By Diane B. Caldwell

Notice Of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on: Wednesday, September 6, 1990 at 10:30 a.m. Special Hearing: To extend time for special exception from two (2) years to five (5) years in zoning case 91-49-SPH. N & S of Chester Road Extended, 590' W of Severn Road 800 Chester Road 15th Election District - 5th Councilmanic District - Joseph F. Evering, Jr. Hearing Date: Wednesday, October 3, 1990 at 10:30 a.m. Special Hearing: To extend time for special exception from two (2) years to five (5) years in zoning case 91-49-SPH. N & S of Chester Road Extended, 590' W of Severn Road 800 Chester Road 15th Election District - 5th Councilmanic District - Joseph F. 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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990
TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-213
SUBJECT: ZONING ITEM #438
PROPERTY OWNER: JOSEPH F. EVERLING, JR.
LOCATION: N & S/S of Chester Road Extended, 540' M Severn Rd (800 Chester Rd)
ELECTION DISTRICT: 14th
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

(X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, BALTIMORE BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - THE ABOVE ITEMS ARE APPLICABLE WHEN THERE IS NEW CONSTRUCTION OR ALTERATIONS UNDERWAY.
PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: October 3, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for a Special Hearing - Item 438
Long Beach Marina
Chesapeake Bay Critical Area Findings
Case 89-49-SPH

SITE LOCATION

The subject property is located at 800 Chester Road, along Frog Mortar Creek. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA) and qualifies as a Water-Dependent Facility.

APPLICANT'S NAME Mr. Joseph F. Evering, Jr.

APPLICANT PROPOSAL

The applicant has requested a special hearing to extend time for a special exception from two years to five years in Zoning Case number 85-65-XSPHA.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
October 3, 1990
Page 2

REGULATIONS AND FINDINGS

Regulation: "Buffer - All siting, development, redevelopment and expansion of water dependent facilities within the buffer must strictly conform to the criteria set forth in the Baltimore County Water Dependent Facilities Manual" <Baltimore County Code, Section 22-218(b)>.

Finding: This applicant has requested a special hearing to extend time for a previously approved special exception. If it is determined that a new special exception is required, then the above regulation requires that the development conform with the Baltimore County Water Dependent Facilities Manual. The existing special exception plan was found to satisfy the State Critical Area Criteria. This was decided in Zoning Case number 85-66-XSPHA and County Board of Appeals case number 87-CG-4755 during the period that Interim Baltimore County Critical Area regulations were in place. The following restrictions were included in that order and shall continue to be required.

"(9) That the on-shore improvements of a pump-out facility for boats and landscaping be completed simultaneously with the construction of the proposed piers; and

(10) That the following best management practices guidelines be utilized in the operation of the facility at such time as the construction commences:

(a) Wording in lease agreements to enforce use of trash receptacles and controlling of washing of boats;

(b) Replacing existing fuel pumping facilities with newer equipment having back-pressure automatic shut off valves and restriction of fuel service to trained Marina personnel, education of boat owners regarding fuel spill sources, and on-site sales of fuel recovery products;

(c) Restrict the use of antifouling paints to boat hulls and avoid painting piers and other in-water structures;

(d) Conduct scraping and painting operations away from the water in protected areas to avoid the loss of particulate and raw paint;

(e) Avoid repainting hulls after a year during which fouling to the hulls was minimal;

(f) Dry store boats not in use for extended periods;

Memo to Mr. J. Robert Haines
October 3, 1990
Page 3

(g) Post signs prohibiting overboard disposal of sewage violations;

(h) Require compliance with federal "head laws" as a prerequisite to slip rental, and indicate violations will result in cancellation of rental contract;

(i) Require all through-hull discharge ports of Type III MSD's to be sealed on those vessels "permanently" moored; and

(j) Require use of on-site pump-out facilities."

CONCLUSION

The Zoning Order shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen
Mr. Joseph F. Evering, Jr.

This notice of authorization must be
conspicuously displayed at the site of work.

United States Army Corps of Engineers
Baltimore District

19

A permit to expand an existing 201 boat slip marina by 125 slips.
in Frog Mortar Creek near Bowleys Quarters, Baltimore County,
at Maryland.

has been issued to Long Beach Marina on 19

Address of Permittee 800 Chester Road, Baltimore, MD 21221

Permit Number

CENAR-OP-RV(Long Beach Marina)
89-1474-6

DONALD W. ROESEK
Chief, Regulatory Branch
for the District Commander

ENG FORM 4336, JUL 81 (ER 1145-2-303) EDITION OF JUL 70 MAY BE USED

(Proponent: DAEM-CWO)

LAW FIRM
Romadka, Sontrum & Hennegan, P.A.
IRVINGTON FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 966-8271
FAX # 686-0116

ROBERT J. ROMADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN
DONALD H. SHEFFY
NANCY E. DWYER
SHARON R. GAMBLE

ZONING OFFICE

July 14, 1990

91-49-SPH

Mr. Dave Flowers
Dept. of Environmental Protection and Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: Item No. 438
Joseph Evering/Long Beach Marina

Dear Mr. Flowers:

Please be advised that a Petition for Special Hearing, to extend time was filed on 6/11/90. Copies of Petition, site plan and description are enclosed for your review.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

John B. Gontrum

JBG:kb
Enc.
cc: Carl Richards

RECEIVED JUN 19 1990
File

LAW FIRM
Romadka, Sontrum & Hennegan, P.A.
IRVINGTON FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 966-8271
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ROBERT J. ROMADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN

DONALD H. SHEFFY
NANCY E. DWYER
SHARON R. GAMBLE

June 14, 1990

91-49-SPH

J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 438

Dear Commissioner Haines:

We have filed a special hearing to extend time in the special exception which was granted by the Board of Appeals in June of 1988. It has taken us quite some time to go through the permitting process in order to obtain the permits to construct improvements allowed by the special exception. We have started the work with respect to the permit as we have finally received all of the permits. We are asking, however, for an extension to our granted special exception for one year. Certainly, the process has taken longer than we had anticipated or we would have asked for a longer period of time on the special exception.

Thank you for your cooperation in this matter.

Very truly yours,

John B. Gontrum

JBG:kb

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT #: B047285 CONTROL #: WFC-418-90 DIST: 15 PREC: 08
DATE ISSUED: 04/17/90 TAX ACCOUNT #: 1505880140 CLASS: 29

PLANS: CONST 3 PLOT 9 R PLAT 0 DATA 5 ELEC NO PLUM NO
LOCATION: 800 CHESTER RD
SUBDIVISION: LONG BEACH ESTATES

OWNERS INFORMATION
NAME: EVERING, JOSEPH F. & CATHERINE L.
ADDR: 800 CHESTER RD 21220

TENANT:
CONTR: OWNER
ENGR: JEROME SHUMAN 17 BRANCHWOOD CT.PIKESVILLE 21208
SELLR:
WORK: CONSTRUCT 570' & 520' EXTENSION TO 2 PIERS ON FROG MORTAR CREEK. COPY OF CORP OF ARMY ENG. PERMIT ATTACHED. 89-1474-6. A SEPARATE PERMIT IS REQUIRED FOR A STANDPIPE ON BOTH NEW PIERS IN ACCORDANCE WITH CASE 85-65-XSPHA

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SAME & PIER EXTENSION
40,000.00 EXISTING USE: MARINA

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: PRIV. EXISTS WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS

SIZE: 200'x200'x250'x250'
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: NC

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

91-49-SPH

CONDITIONS: CASE No. 87-CG-4755 & ZONING CASE No. 85-65 XSPHA

ORDER

It is therefore this 15th day of June, 1988 by the County Board of Appeals of Baltimore County ORDERED

- (1) That the Petition for Special Exception be and is hereby GRANTED with restrictions as hereinafter provided;
- (2) That the variance from B.C.Z.R. 409.2.c(2) be and is hereby GRANTED;
- (3) That in view of the Board's restriction on the number of slips, the petitioner's variance relief under B.C.Z.R. 409.2.b is MOOT;

Case No. 87-CG-4755
Zoning Case No. 85-65 XSPHA
Joseph F. Evering, Jr., et ux

- (4) That the Petition for Variance under B.C.Z.R. 417.5 is GRANTED to the extent as shown on the amended site plan submitted by the petitioner, thereby allowing expansion in conformance with the site plan offered and identified and attached hereto as part hereof. This plan is identified as Petitioner's Exhibit #1A and amends Petitioner's Exhibit #1 by removing 16 and 38 slips from the southern and the northern pier extensions, respectively.
- (5) That the Petition for Special Hearing is GRANTED to allow amendments to the site plan as was approved on January 16, 1987, in Case No. 64-160-X in order to construct additional piers and slips, in conformance with the variance as set forth in #4 of this Order;
- (6) That the Petition for Special Hearing to remove restrictions #1 and #3 in Case No. 64-57-SPH will be GRANTED;
- (7) That the Petition for Special Hearing to remove restrictions #1 and #6 in Case No. 64-160-X will be GRANTED in part and DENIED in part and that restriction #1 is AFFIRMED and re-incorporated herein and restriction #6 amended so as to allow maintenance and minor repairs on site and in the water immediately adjacent thereto from 8:00 a.m. to 7:00 p.m., seven days per week, year round;
- (8) That the Petition for Special Hearing for a determination of the recreational activities on site is GRANTED so that the use is exempt from Residential Transition Area requirements;
- (9) That the on-shore improvements of a pump-out facility for boats and landscaping be completed simultaneously with the construction of the proposed piers; and
- (10) That the following best management practices guidelines be utilized in the operation of the facility at such time as the construction commences:

Case No. 87-CG-4755
Zoning Case No. 85-65 XSPHA
Joseph F. Evering, Jr., et ux

- (a) Mording in lease agreements to enforce use of trash receptacles and controlling of washing of boats;
- (b) Replacing existing fuel pumping facility with newer equipment having back-pressure automatic shut off valves and restriction of fuel service to trained Marina personnel, education of boat owners regarding fuel spill sources, and on-site sales of fuel recovery products;
- (c) Restrict the use of antifouling paints to boat hulls and avoid painting piers and other in-water structures;
- (d) Conduct scraping and painting operations away from the water in protected areas to avoid the loss of particulate and raw paint;
- (e) Avoid repainting hulls after a year during which fouling to the hulls was minimal;
- (f) Dry store boats not in use for extended periods;
- (g) Post signs prohibiting overboard disposal of sewage and inform the public of contamination levels resulting from violations;
- (h) Require compliance with Federal "head Laws" as a prerequisite to slip rental, and indicate violations will result in cancellation of rental contract;
- (i) Require all through-hull discharge ports of Type III MSD's to be sealed on those vessels "permanently" moored; and
- (j) Require use of on-site pump-out facilities.
- Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Schmidt, Acting Chairman

William T. Hackett

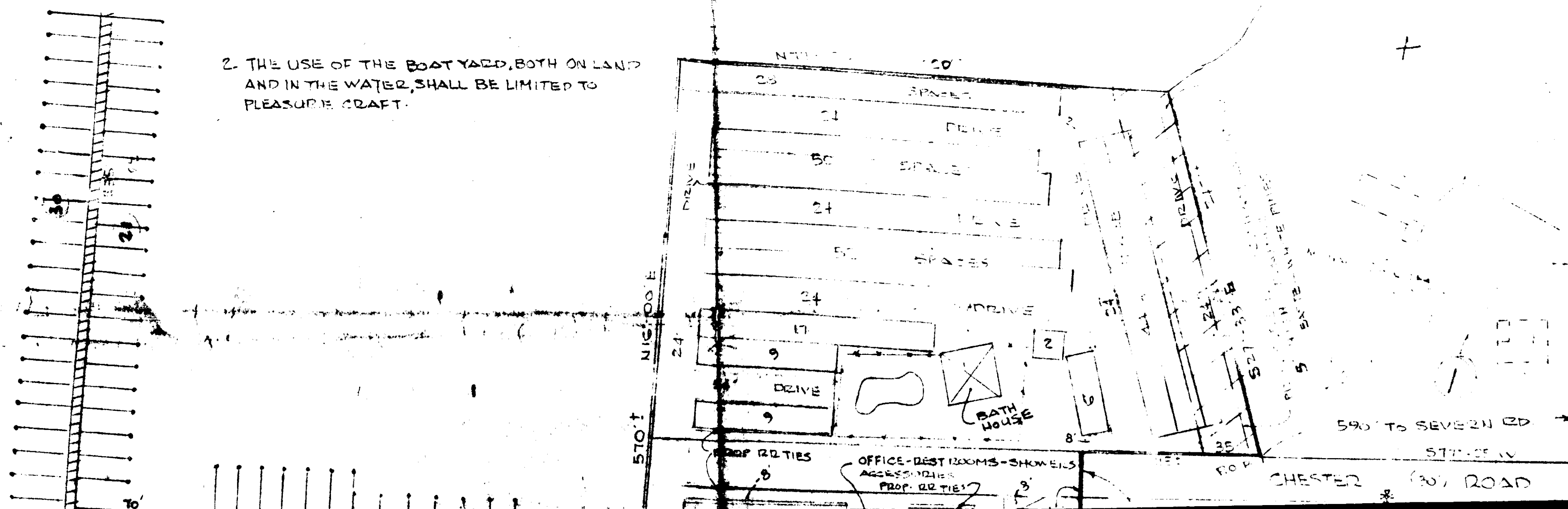
RESTRICTIONS # 64-160 X 3-30-1984

2. CONSTRUCTION OF BOATS IS PROHIBITED.
3. NO COMMERCIAL VEHICLES WILL BE PERMITTED TO ENTER SAID ESTABLISHMENT.
4. SERVICES WILL BE RESTRICTED TO PLEASURE CRAFT ONLY.
5. BODIES OR SIMILAR TYPE CRAFT WILL NOT BE ALLOWED ON OR TIED UP AT THE PROPERTY, WITH THE EXCEPTION OF THE ONE SMALL BOAT WHICH IS PRESENTLY BEING USED BY THE PETITIONER.

RESTRICTIONS 64-57-SPH 3-9-1984

2. THE USE OF THE BOAT YARD, BOTH ON LAND AND IN THE WATER, SHALL BE LIMITED TO PLEASURE CRAFT.

CREEK



RESTRICTIONS 64-51-3PH 3-9-1964

2. CONSTRUCT OF BOATS IS PROHIBITED.
3. NO COMMERCIAL VEHICLES WILL BE PERMITTED TO RATION THE SAID ESTABLISHMENT.
4. SERVICES WILL BE RESTRICTED TO PLEASURE CRAFT ONLY.
5. EXCESSIVE OR SIMILAR TYPE CRAFT WILL NOT BE ALLOWED TO TIE UP AT THE PROPERTY, WITH THE EXCEPTION OF THE ONE SMALL CRAFT WHICH IS PRESENTLY BEING USED BY THE PETITIONER.

RESTRICTIONS 64-51-3PH 3-9-1964

2. THE USE OF THE BOAT YARD, BOTH ON LAND AND IN THE WATER, SHALL BE LIMITED TO PLEASURE CRAFT.



AS JANUARY 17, 1964 THAT STREET USE LOT 1, EXTENDED AND BEYOND MEAN LOW TIDE TO ALLOW EXISTING COMPACTED STONE IN LIEU OF THE REG. MAR. PAVING.

EXISTING USE - BOAT YARD
PROPOSED USE - SAME
EXISTING ZONING - DC 5.5
PROPOSED ZONING - SAME
AREA OF LOT - 3,500 AC.

PARKING DATA	
OFFICE - 1020 SQ. FT.	4
RESIDENCE - 1020 SQ. FT.	4
EXISTING NO. OF SLIPS	201
PROPOSED NO. OF SLIPS	125
TOTAL PROPOSED	125

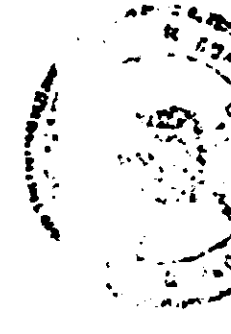
TOTAL NO. OF SPACES PROVIDED IF SPECIAL EXCEPTION IS GRANTED - 325
NOT GRANTED - 318

PARKING AREAS TO BE USED FOR OUT OF WATER STORAGE

PROPOSED SLIPS FOR
LONG BEACH MARINA
LONG BEACH ESTATES
PLAT BOOK 4-191
15TH DISTRICT BALTIMORE COUNTY
SCALE 1" = 50'

ALL PARKING SPACES ARE EXISTING (9X18)

PLAT TO ACCOMPANY PETITION FOR SPECIAL
EXCEPTION, SPECIAL HEARING AND VARIANCES



FRANK S. LEE
ATTORNEY AT LAW
100 N. MARYLAND AVE.
BALTIMORE, MD. 21201
EST. 1902

ATTORNEY
J. L. B. LEE
100 N. MARYLAND AVE.
BALTIMORE, MD. 21201
EST. 1902

OWNER
JACK EVERING
400 CHESTER ST.
BALTIMORE, MD. 21201
EST. 1902

REVISOR
3-11-64
3-11-64
3-11-68

PETITIONER
EXHIBIT

91-49-SPA

438

LOCATION MAP
SCALE 1" = 200'

NOTE: THIS PLAT IS A REPRODUCTION OF THE APPROVED PLAT
RECEIVED 5-19-68 CASE 87-CG 4755 ZONING CASE 85-0538
THE ONLY ADDITION TO THE APPROVED PLAT BY
THE OFFICE OF THE COMMISSIONER OF PLANNING AND
ZONING IS THE CORRECTION OF THE AREA OF LOT 1
BY THE CORRECTION OF THE AREA OF LOT 1
BY THE CORRECTION OF THE AREA OF LOT 1

2-12-90
8-12-90